IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 026220-00081

In re patent application of:

Romano RIVOLTA et al

Confirmation No.: 6936

Serial No.: 10/579,904

Art Unit: 1621

Filed: May 19, 2006

Examiner: J. Cho

For:

NEW PROCESS FOR THE PREPARATION OF NITROOXYDERVIATIVES OF PARACETAMOL

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

January 10, 2008

Sir:

In response to the Notice of Abandonment dated December 17, 2007, Applicants hereby petition that the holding of abandonment of the above-identified patent application for failing to make payment of the Issue Fee be withdrawn.

Applicants respectfully submit that the Notice of Allowance dated August 16, 2007, was never received by Applicants' undersigned representative. Applicants' undersigned representative has made a careful search of the entire file jacket for the subject application and the Notice of Allowance dated August 16, 2007, was not present. A review of the docket records also indicates that the Notice of Allowance was never received. Submitted herewith is Exhibit A, which is a copy of pages 42 and 43 of our computer docket sheet for November 16, 2007, where an entry for payment of the Issue Fee would have been had the Notice of Allowance been received. Our firm's typical mail handling procedure is for all mail to be docketed as soon as it is received. Further, Exhibit B is a reduced-size copy of the front of the file jacket for the subject application showing no entry thereon for the Notice of Allowance dated August 16, 2007. Our firm's policy and procedure are to mark the file jacket with the response due

date as soon as an action received from the Patent and Trademark Office is joined to the file jacket and reported to the client.

In view of the evidence submitted herewith showing that the Notice of Allowance was not received by Applicants' undersigned representative prior to the expiration of the statutory period for responding to the Notice of Allowance, it is respectfully submitted that the abandonment of the application is improper. Therefore, it is respectfully petitioned that the abandonment of the application be withdrawn and that a new Notice of Allowance be sent to the undersigned.

In the event that any fees are due with respect to this paper, please charge our Deposit Account No. 01-2300.

Respectfully submitted,

Richard J. Berman

Registration/No. 39,107

Atty. Docket No.: 026220-00081

Customer No. 004372
Arent Fox LLP
1050 Connecticut Avenue, NW, Suite 400
Washington, D. C. 20036-5339
Tol: (202) 857 6000

Tel: (202) 857-6000 Fax: (202) 638-4810

RJB:mmg

Enclosures: Exhibit A - Pages 42 and 43 of the Computer Docket of November 16, 2007

Exhibit B - Front of File Jacket

Friday, November 16, 2007	nber 16,2007		Due Date List By Date of-May-2007 To 19-Nov-20	st By Date 19-Nov-2007		d	Page: 42
Due Date Indicator	Action Due Action Type	Com	Case Number/SubCase Country	Status Client/Division	App Number Pat/Reg	App Date Iss/Reg Date	Attys
16-Nov-2007	Foreign Filing Due (2Wks)	0261	026154.00000.TR.473	Pending	77/194060	31-May-2007	AVL
Reminder	Foreign Filing	Unite	United States of America	Discovery Communications, Inc.			ΓQ
Resp.Off.: DC		Trademark: LONDON INK	DON INK				CK
16-Nov-2007	Foreign Filing Due (2Wks)	026154	54.00000.TR.474	Pending	77/194049	31-May-2007	AVL
Reminder	Foreign Filing	Unite	United States of America	Discovery Communications, Inc.			ρ
Resp.Off.: DC	- · · · · · · · · · · · · · · · · · · ·	Trademark: LONDON INK	DON INK				CK
16-Nov-2007	Foreign Filing Due (2Wks)	026154.	54.00000.TR.475	Pending	77/194026	31-May-2007	AVL
Reminder	Foreign Filing	Unite	United States of America	Discovery Communications, Inc.			70
Resp.Off.: DC		Trademark: LONDON INK	DON INK				CK
16-Nov-2007	RENEWAL DUE - 1 day prior	r 026154.	54.00001.0455	Registered	N/006093	22-May-2000	AVL
Final	FRGN-RENEWAL RMDR	Macan	ne	Discovery Communications, Inc.	N/006093	17-Nov-2000	70
Resp.Off.: DC	**	Trademark: DISC	<i>Trademark:</i> DISCOVERY HEALTH CHANNEL	NNEL			ЕН
16-Nov-2007.	RENEWAL DUE - 1 day prior	r 026154.	54.00001.0456	Registered	N/006095	22-May-2000	AVL
Final	FRGN-RENEWAL RMDR	Macan	ne	Discovery Communications, Inc.	N/006095	17-Nov-2000	ΓÓ
Resp.Off.: DC		Trademark: DISC	<i>Irademark:</i> DISCOVERY HEALTH CHANNEL	NNEL			EH
16-Nov-2007	RMDR-OPPOSITION DUE (1MO)	IMO) 026154	54.00002.TBD	Potential Oppos	275453	30-Jul-2007	AVL
Reminder	FRGN-OPPOSITION DUE	Spain	·				ρ
Resp.Off.: DC		Trademark: DISC	COVERY COMMUNICAT	Irademark: DISCOVERY COMMUNICATIONS, INC. v. Mariana Dolhare			ЕН
16-Nov-2007	RENEWAL DUE - 1 day prior	r 026154	54.00003.0214	Registered	370437	03-Mar-1997	AVL
Final	FRGN-RENEWAL RMDR	Chile	62	Discovery Communications, Inc.	496805	17-Nov-1997	70
Resp.Off.: DC		Trademark: FIT TV	IV TOTAL FITNESS NE	TOTAL FITNESS NETWORK AND DESIGN			ЕН
16-Nov-2007	RENEWAL DUE - 1 day prior	r 026154	54.00003.0215	Registered	370436	03-Mar-1997	AVL
Final Resp.Off.: DC	FRGN-RENEWAL RMDR	Chile Tradomark. FIT TV	AJ	Discovery Communications, Inc.	496804	17-Nov-1997	LQ FH
-		Time man W					

		OF CANAL TO SEE SEE SEE SEE SEE SEE SEE SEE SEE SE				
Due Date Indicator	Action Due Action Type	Case Number/SubCase Country	Status Client/Division	App Number Pat/Reg	App Date Iss/Reg Date	Attys
16-Nov-2007	FINAL AMENDMENT W/EXT-1	026390.00029	Published	10/538087	21-Nov-2005	GEO
Due Date	US-FINAL OA (3MO)	United States of America	EXEO PATENT & TRADEMARK COMPANY			MLC
Resp.Off.: DC		Title: COMPONENTS FOR A FILM	Title: COMPONENTS FOR A FILM-FORMING DEVICE AND METHOD FOR CLEANING THE SAME	OR CLEANING THE SAM	щ	
16-Nov-2007	N/APPEAL W/EXT-1	026390.00029	Published	10/538087	21-Nov-2005	GEO
Due Date	US-NOT. OF APPEAL	United States of America	EXEO PATENT & TRADEMARK COMPANY			MLC
Resp.Off.: DC		Title: COMPONENTS FOR A FILM	Title: COMPONENTS FOR A FILM-FORMING DEVICE AND METHOD FOR CLEANING THE SAME	OR CLEANING THE SAM	田	
16-Nov-2007	Chapter II/ Exam Fee Due 1 Mo	026392.00103	Published	PCT/US2007/004072	16-Feb-2007	RJB
Reminder	Chapter II/ Exam Fee Due	Patent Cooperation Treaty	RELIANT PHARMACEUTICALS			DCR
Resp.Off.: DC		Tide: METHODS OF IDENTIFYING ACID THERAPY FOR ALZHI	Tide: METHODS OF IDENTIFYING AND TREATING PATIENTS LIKELY TO BENEFIT OMEGA-3 FATTY ACID THERAPY FOR ALZHEIMER'S DISEASE, DEMENTIA AND/OR MILD COGNITIVE IMPAIRMENT	7 TO BENEFIT OMEGA-3 OR MILD COGNITIVE IM	FATTY PAIRMENT	VJP
16-Nov-2007	Chapter II Demand Due (1 Mo)	026392.00103	Published	PCT/US2007/004072	16-Feb-2007	RJB
Reminder	Chapter II Demand Due	Patent Cooperation Treaty	RELIANT PHARMACEUTICALS			DCR
Resp.Off.: DC	2 464 12 13 14 14 14 14 14 14 14 14 14 14 14 14 14	Title: METHODS OF IDENTIFYING ACID THERAPY FOR ALZHI	Title: METHODS OF IDENTIFYING AND TREATING PATIENTS LIKELY TO BENEFIT OMEGA-3 FATTY ACID THERAPY FOR ALZHEIMER'S DISEASE, DEMENTIA AND/OR MILD COGNITIVE IMPAIRMENT	7 TO BENEFIT OMEGA-3 OR MILD COGNITIVE IM	FATTY PAIRMENT	VJP
16-Nov-2007	ANNUITY FEE (2WKS)	026392.00123	Pending	20073456	22-Nov-2005	RJB
Reminder	FRGN-ANNUITY FEE	Norway	RELIANT PHARMACEUTICALS			ALS
Resp.Off.: DC		Title: OMEGA-3 FATTY ACIDS AN	Tide: OMEGA-3 FATTY ACIDS AND DYSLIPIDEMIC AGENT FOR LIPID THERAPY	O THERAPY		VJP
16-Nov-2007	STATUS RE: POSSIBLE OPPOS.?	026861.02348	Open			DCG
Reminder	STATUS RE: Possible Oppos.	Ukraine				C_{N}
Resp.Off.: DC	Trade	<i>mark:</i> CHOICE INTERNATIONAL I	Irademark: CHOICE INTERNATIONAL HOTELS, INC. v. Sjollomitskij Michajlo Andrijovitsj	Andrijovitsj		kek
16-Nov-2007	SEND ALLOWANCE LETTER	027162.00002	Allowed	10/859575	03-Jun-2004	CMM
Due Date Resn Off: DC	US-ALLOWANCE (NO DRWGS)	United States of America KONAN PATEN Tido: MAGNETIC RECORD REPRODICING DEVICE	KONAN PATENT OFFICE			MLC

NicOx Research Institute S.r.l. Via Ariosto 21

Bresso - Milan 20091, Italy Reference No.: NP 0013

Fax No.: 011-39-02-6103-6530

00081

Arent Fox PLLC

US Patent

0 Connecticut Avenue, NW ashington, DC 20036.5339

ATTORNEY___

RJB

ATENT NO.:		FILING DOCKETED YES NO INIT.
	SMALL EI	NTITY: YW SMALL ENTITY
SSUE DATE:	OHIG. DC	OCS IN FILE? YES NO NO
ILING DATE:	CLIENT /	MATTER NO.: 026220 - 00081
	NT APPLICATION FILE	· · · · · · · · · · · · · · · · · · ·
(NEWCONT	DIV CIP	REISSUE)
OVENTORIS) Romano RIVOLTA et	al	
erial no. <u>10/519,904</u> Inte New Process FOR THE PR	FILED M	ay 19,2000
ITLE NEW PLOCESS FOR THE PR	REPARATION C	OF NITROOXYDERIVATIVES
OF PARACETAMOL		
ASSIGNEE: NICOX S.A.		
		•
RELATED U.S. APPLICATIONS		
SPECIAL CLIENT INSTRUCTIONS:		ATTORNEY FILE REVIEW:
SPECIAL CLIENT INSTRUCTIONS.		DATE INIT
		DATE INIT
h		DATE INIT
OFFICE ACTIONS	DUE DATE	RESPONSES
		Trans Lt. 1990, teliminary Ameriment, IDS, 190: References, 1595 wylosignment - 5/19/06
		Nederica, 1945 Wassignman - 5/19/06
		*
3. 2. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3. 3.		
	7	* = 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
		• •
		×
		EXHIBIT B
-		Was Pill II II I I I I I I I I I I I I I I I

NEW PROCESS FOR THE PREPARATION OF NITROOXYDERIVA

PAT-0001 U.S. Patent Application (National Phase of PCT/EP2004/052806) New Process for the preparation

AFFIX FILESURF LABEL HERE () 26 220-00081